

INTRODUCED _____
PUBLIC HEARING _____
COUNCIL ACTION _____
EXEC. ACTION _____
EFFECTIVE DATE _____

County Council Of Howard County, Maryland

2004 Legislative Session

Legislative Day No. 9

Bill No. 31-2004

Introduced by: The Chairman at the request of the County Executive

AN ACT to authorize and empower Howard County, Maryland, to borrow up to \$1,630,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of certain County capital projects (including a bridge project, general county projects, a storm drainage project, a school system project, road construction projects, roadside and sidewalks projects, a police project and an intersection improvements project), which are specified and described in the County's 2005 Capital Budget, and to pay costs of issuance of such bonds; authorizing the County to issue bond anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith.

Introduced and read first time _____, 2004. Ordered posted and hearing scheduled.

By order _____
Sheila M. Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2004.

By order _____
Sheila M. Tolliver, Administrator

This Bill was read the third time on _____, 2004 and Passed ___, Passed with amendments _____, Failed _____.

By order _____
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this __ day of _____, 2004 at ___ a.m./p.m.

By order _____
Sheila M. Tolliver, Administrator

Approved by the County Executive _____, 2004.

James N. Robey, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; ~~Strike out~~ indicates material deleted by amendment; Underlining indicates material added by amendment

1 **Recitals**

2 As a part of the Capital Budget for the fiscal year ending June 30, 2005, it is necessary that
3 Howard County, Maryland borrow a sum not exceeding \$1,630,000 to be used for certain capital projects
4 specified in the County's Capital Budget for the fiscal year ending June 30, 2005 which are more
5 particularly described in Appendix A to this bond enabling law and for payment of costs of issuance of any
6 obligations issued to evidence such borrowing.

7 **Now therefore, in accordance with the provisions of Article VI of the Charter of Howard**
8 **County:**

9 **Section 1. Be it enacted by the County Council of Howard County, Maryland, That**
10 Howard County, Maryland (the "County"), is hereby authorized and empowered to borrow on its full faith
11 and credit, and issue and sell its bonds therefor, at one time or from time, an amount not exceeding
12 \$1,630,000, the proceeds thereof to be used for the capital projects (each, a "Project") more particularly
13 specified and described in Appendix A hereto and in the County's Capital Budget for the fiscal year ending
14 June 30, 2005;
15 including for each capital project, without limitation, the cost of planning, design, construction,
16 reconstruction, furnishing, equipping, improvements, renovations, remodeling, enlargements, engineering
17 services, architects services, surveys, landscaping, site development, evaluation studies, land acquisition
18 and related items, appurtenances and incidental activities. The Projects, and the amount to be borrowed
19 for each, are more specifically identified and described in Appendix A hereto.

20 Proceeds of any bonds authorized by this Act may also be used to pay costs of issuance of such
21 bonds.

22 **Section 2. And be it further enacted by the County Council of Howard County,**
23 **Maryland,** That, pursuant to and in accordance with Article 31, Section 12 of the Annotated Code of
24 Maryland, as amended, the County is also authorized to issue bond anticipation notes in anticipation of the
25 issuance of the bonds authorized by this Act and described in Section 1 hereof, and all references to

1 "bonds" or "obligations" in this Act shall include such bond anticipation notes, unless the context clearly
2 requires a contrary meaning. It is intended that the aggregate principal amount of issued and outstanding
3 bond anticipation notes when added to the aggregate principal amount of issued and outstanding bonds in
4 anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in
5 Section 1 of this Act at any time. The County will agree in each ordinance described in Section 4 of this
6 Act relating to any notes issued pursuant to this Act to pay such notes and the interest and premium, if
7 any, thereon from the proceeds of the bonds in anticipation of the sale of which such notes are issued, and
8 the County will agree to issue such bonds when, and as soon as, the reason for deferring their issuance no
9 longer exists.

10 **Section 3. And be it further enacted by the County Council of Howard County,**
11 **Maryland,** That, in connection with the acquisition of real property as part of a Project, the County may
12 incur all or any portion of the indebtedness authorized by this Act for such acquisition by entering into an
13 installment purchase agreement pursuant to and in accordance with Section 4.201A of the Howard County
14 Code ("Section 4.201A") or any successor provisions of law in lieu of issuing bonds for such acquisition.
15 The principal amount of any such installment purchase agreement shall not exceed the lesser of (a) the
16 maximum principal amount permitted by Section 4.201A or (b) the portion of the amount to be borrowed
17 for such Project (as set forth in Section 1 hereof) which relates to such acquisition. All references to
18 "bonds" or "obligations" in this Act shall include such installment purchase agreements, unless the context
19 clearly requires a contrary meaning.

20 **Section 4. And be it further enacted by the County Council of Howard County,**
21 **Maryland,** That the County Council of Howard County, by an ordinance or ordinances adopted from time
22 to time in accordance with Article VI of the Charter of Howard County and other applicable provisions of
23 law, shall provide for (a) the issuance and sale of, (b) the designation, form, tenor, denomination or
24 denominations and maturities (not exceeding twenty-five years) of, and (c) the interest rate or rates per
25 annum (or the method of determining such rate or rates) payable on, any bonds or other obligations issued

1 from time to time under this Act; and may by any such ordinance, or by separate resolution, provide that
2 the issue of bonds or other obligations hereby authorized be consolidated with one or more other issues as
3 provided in Article 31, Section 2C of the Annotated Code of Maryland, as amended, and any successor
4 provision of law.

5 **Section 5. And be it further enacted by the County Council of Howard County,**
6 **Maryland,** That for the purpose of paying the principal of and interest on such bonds or other obligations
7 as the same shall become payable, the County Council of Howard County shall levy annually ad valorem
8 taxes upon the assessable property in Howard County sufficient, together with other available funds, to
9 pay the principal of and interest on such bonds or other obligations until all of such bonds or other
10 obligations shall mature and be redeemed.

11 **Section 6. And be it further enacted by the County Council of Howard County,**
12 **Maryland,** That any bonds or other obligations issued from time to time under this Act are specifically
13 exempt from the provisions of Article 31, Sections 10 and 11 of the Annotated Code of Maryland, as
14 amended, and any successor provision of law.

15 **Section 7. And be it further enacted by the County Council of Howard County,**
16 **Maryland,** That all bonds or other obligations authorized hereby shall be issued within four years from the
17 date this Act becomes effective. Notwithstanding the foregoing, if bond anticipation notes are issued
18 within such period in accordance with Section 2 hereof and such notes have a stated maturity date after
19 such expiration date, the bonds authorized hereby may be issued until the stated maturity date of such
20 notes.

21 **Section 8. And be it further enacted by the County Council of Howard County,**
22 **Maryland,** That the County anticipates that a portion of the costs of some or all of the Projects may be
23 paid prior to the issuance of the bonds or other obligations authorized hereby. The amount of such costs
24 so paid will depend on various factors, including, without limitation, the timing and speed of progress on the
25 Projects, the availability of other funds to pay such costs on an interim basis, bond and money market

1 conditions and compliance with federal and State laws and regulations.

2 Accordingly, the County reasonably expects to reimburse costs of the Projects (as described
3 herein) with proceeds of the bonds or other obligations authorized hereby, such bonds or other obligations
4 to be issued by the County in the maximum principal amount of \$1,630,000.

5 **Section 9. And be it further enacted by the County Council of Howard County,**
6 **Maryland,** That this Act shall take effect sixty-one (61) days after its enactment.

Projects

Project	Amount to be Borrowed
B3834 FY1995 BONNIE BRANCH ROAD BRIDGE (H0-2) project for the design and construction of a superstructure replacement for the bridge on Bonnie Branch Road over Bonnie Branch.	\$100,000
C0278 FY2001 FLORENCE BAIN SENIOR CENTER UPGRADE A project for the design and renovation of 12,000SF to reconfigure office space and program areas, plus design and construction of a 3,500SF addition to the Center.	100,000
C0287 FY2002 COMMUNITY RENEWAL / ENHANCEMENTS A project to design and implement a series of pedestrian improvements, streetscape enhancements and repair or enhancement of public green spaces.	50,000
D1103 FY1994 VALLEY ROAD STORM DRAINS A project for the design and reconstruction of an existing storm drain system and pavement along the northern end of Valley Road and vicinity in Ellicott City.	150,000
E0991 FY2005 FULL-DAY KINDERGARTEN Approximately 87 classrooms (83K and 4 Pre-K) will be required to implement a full-day kindergarten program by school year 2007 - 2008.	350,000
J4136 FY1994 MARSHALEE DRIVE IMPROVEMENTS This project is to fund the County's share of the design and construction of Marshalee Drive to a minor arterial standard from relocated Montgomery Road (near MD103) to Montgomery Road (near Marshalee Woods) including the intersection with existing Montgomery Road.	250,000
J4178 FY2001 COUNTY / STATE NOISE ABATEMENT A program with SHA for the construction of noise reduction sound walls to shield sections of residential communities.	350,000
K5040 FY2006 GUILFORD RD PEDESTRIAN/BIKE IMPROVE A project for the design and construction of paved shoulders on one or both sides of Guilford Road between Oakland Mills Road and Winterbrook Lane.	80,000
K5043 SIDEWALK REPAIR PROGRAM This project is for the repair of deteriorated sidewalks and driveway aprons that are in the public rights-of-way.	100,000

Project	Amount to be Borrowed
<p>P4918 FY2001 ANIMAL CONTROL RENOVATIONS</p> <p>A project for design and construction of facility upgrades / renovations / expansion to enable the Animal Control Facility to efficiently and effectively meet the County's animal control mission requirements, both now and for the future.</p>	\$50,000
<p>T7074 FY2003 STREET LIGHTING PROGRAM</p> <p>This project is for the installation of new street lights in existing communities and commercial/industrial areas, and the conversion of existing post-top style street lights to high pressure sodium vapor fixtures.</p>	50,000 <hr/>
Total Amount to be Borrowed	\$1,630,000